

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of 19 August 2008 (Office Action). As this response is timely filed before the expiration of the 3-month shortened statutory period, no fees are believed to be due. However, the Examiner is authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-3610.

### **CLAIM AMENDMENTS AND SUPPORT**

Applicants have amended the independent Claims 1, 6, 11, and 16 to amend a phrase “can be” to “is configured to” to be more definite. Claims 11 and 16 have been changed from a “whereby” clause to a “wherein” clause to ensure the associated statement functions as a limitation on the related claim. Further, Claim 1 has been amended to overcome the 35 USC § 101 rejection by stating that the software described is stored in a machine readable medium. Claim 17 has been amended to eliminate the objection to the term of “lightweight”.

Dependent Claims 17 and new Claims 18-20 include a definition for a Web service and the associated protocol, as supported by Paragraph 5 of the Background of the Application.

These amendments are fully supported by the Application and no new matter has been added.

### **CLAIM OBJECTIONS**

The Rejection objected to Claims 17-20 where “functionality” was misspelled. The claims have been amended to overcome this objection. Applicants respectfully request the objection be withdrawn.

#### **I. 35 U.S.C. § 101 REJECTION**

Claims 11-15 and 20 were rejected because a web service interface was alleged to be non-statutory subject matter. Applicants have amended Claim 11 to indicate that the web service interface is the result of a computing device executing code stored on a computer readable storage medium of the computing device.

**II. 35 U.S.C. § 112, second paragraph REJECTION**

Claims 17-20 were rejected as being indefinite for use of the term “well-defined.” The term has been deleted from the claims.

Claims 16 and 17 were rejected because “the use of” a billing service was alleged to be non-statutory subject matter. Claims 17-20 used the term “specific functionally (sic)” and “self-contained.” The Rejection alleged that these terms are indefinite. Applicants have removed these terms from the claims.

Claims 2, 7, and 12 were rejected as being indefinite for use of the term “second billing functions.” The word “second” has been replaced with the word “additional,” as described on page 10, lines 33-35.

**III. 35 U.S.C. § 102(b) REJECTIONS BASED ON ROBOHM**

The Examiner rejected Claims 1-16 under 35 U.S.C. § 102(b) as being unpatentable over U.S. Publication No. 2002/0138828 to Robohm, *et al.* (hereinafter “Robohm”). This includes all pending independent Claims, 1, 6, 11, and 16.

- 1. Robohm makes no specific teachings related to Web services. Robohm teaches use of a dedicated billing function in a telecommunication service provider's site. Additionally, at the time, Robohm was conceived/filed, Web services were not contemplated or known in the field of computer science.**

Robohm shows a telecommunication operation support system 130 which includes a billing and account management unit. Robohm shows and describes a system for allowing a subscriber of the telecommunication system to configure the subscriber's service features, as described in paragraph 0028. The system presents interfaces 1300 and 1400, for example, which allow a subscriber to enter and change subscriber information. The interface provided may be considered to be a web interface since it is made available over the internet, or “web.” However, what Robohm shows is not a web services interface, as that term of art is used and intended.

Applicants' independent claims include a limitation of a web services interface for or adapted for a billing system or engine.

A web service interface, as described, for example, at page 17, lines 3-8 and FIG. 4 of the instant application allows other computing applications to invoke the web service. A web service allows, for example, a billing company to sell a billing service to providers of other services. That is, unlike the account management system 334 of Robohm, which is proprietary, and not available to third parties, a billing web service such as that claimed by Applicants may be a stand-alone business service sold to, and made available to, third parties over a network or Internet.

By definition, a Web service is a well-defined, self-contained component that encapsulates specific functionality and makes that functionality available to other computing applications over the Internet by Web service invocation using a protocol, such as SOAP (Invention Background, p. 2, lines 14-22 and general knowledge of one skilled in the art).

Applicants note that the SOAP protocol publically gained some recognition in early 1998. It was not until January 2002 that coordination groups were created for Web services activity - an initial draft of Web services description requirements was in April of 2002. Robohm claims priority to a provisional application filed March 20, 2001. Robohm makes no mention of a web services protocol or SOAP.

## **2. Not All the Claimed limitations are Taught**

In each of the independent claims (Claims 1, 6, 11, 16) Applicants claim use of a Web service interface on a client having multiple APIs for billing functions, which are invokable as a Web service (e.g., said Web service interface being used to provide said billing service as a Web service), which causes a server-side process to execute.

Robohm fails to teach a Web service based billing architecture. Robohm specifically does not teach a client-side API capable of invoking server side billing functions as claimed, but instead provides teachings of a contrary proprietary billing manager that is not adapted or configured to be called as a web service. The account management unit 334 is behind network

interface 320 which, as described in paragraph 0036, provides a GUI to allow users to access applications in the OSS. By the arrangement shown and described, therefore, Robohm's account management unit 334 cannot be a web service. Thus, Robohm does not show Applicants' claim limitation of a web service configured to be invoked by computing applications. In fact, Robohm shows no such computing applications invoking the account management unit.

Since each claimed limitation for 35 USC § 102(b) purposes must be explicitly or inherently taught by a reference, the 102(b) rejections based on Robohm are obviated. Applicants respectfully request the 35 USC § 102(b) rejections to Claims 1-16 be withdrawn.

#### **IV. 35 U.S.C. § 103(a) REJECTIONS**

The Examiner rejected Claims 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Robohm in view of "How to get Started With Server-side Java," by Hunter (hereinafter "Hunter"), in further view of U.S. Pub. No. 2004/0066411 to Tsui, *et al.* (hereinafter "Tsui").

1. Applicants note that all claims rejected under this section are dependent claims that depend from claims Applicants believe are allowable in view of the argument presented with regard to Robohm.

#### **V. Duplicate Claims**

The Rejection contends that Claims 1-5 and 18 are duplicated by Claims 6-10, 19, and 11-15, and 20. Applicants refer to the preambles of the respective independent claims, and notes that they are drawn to different subject matter. Applicants respectfully request reconsideration.

#### **CONCLUSION**

Applicants have amended the application to overcome the 35 USC § 101 rejection and the claim objection, as well as the § 112 second paragraph rejection. These claim amendments are fully supported by the Application, as shown. The cited references fail to teach or suggest

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each claimed limitation. Accordingly, the 35 USC §§ 102(b) and 103(a) rejections to Claims 1-20 should be withdrawn, which action is respectfully requested.

The invention as claimed (Claims 1-20) should be in allowable condition. The Applicants request that the Examiner call the undersigned (**954-745-0374**) if clarification is needed on any matter within this Reply, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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